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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDRE GRIGSBY,

Defendant.

CASE NO. 1:22-CR-00150-ADA-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: 6/14/2023

TIME: 1:00 p.m.

COURT: Hon. Barbara A. McAuliffe

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on 6/14/2023.
2. By this stipulation, defendant now moves to continue the status conference until 10/11/2023, and to exclude time between 6/14/2023, and 10/11/2023, under 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes wiretap recordings, thousands of pages of investigative reports, surveillance video, audio recordings, cell phone extractions, and other voluminous materials. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.
 - b) Counsel for defendant desires additional time consult with his client, review the

1 voluminous discovery, conduct independent investigation, and pursue a potential pretrial
2 resolution of the case. In addition, defense counsel is conducting legal and factual research
3 related to consideration of filing pretrial motions.

4 c) Defense counsel is in receipt of a plea offer from the government and needs the
5 additional time to consider the offer and review the agreement with his client.

6 d) Counsel for defendant believes that failure to grant the above-requested
7 continuance would deny him/her the reasonable time necessary for effective preparation, taking
8 into account the exercise of due diligence.

9 e) The government does not object to the continuance.

10 f) Based on the above-stated findings, the ends of justice served by continuing the
11 case as requested outweigh the interest of the public and the defendant in a trial within the
12 original date prescribed by the Speedy Trial Act.

13 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
14 et seq., within which trial must commence, the time period of 6/14/2023 to 10/11/2023,
15 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv) [Local Code
16 T4] because it is so unusual or so complex, due to the number of defendants, the nature of the
17 prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect
18 adequate preparation for pretrial proceedings or for the trial itself within the time limits
19 established by this section and because the ends of justice served by taking such action outweigh
20 the best interest of the public and the defendant in a speedy trial.

21 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
22 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
23 must commence.

24 IT IS SO STIPULATED.
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1 Dated: June 2, 2023

PHILLIP A. TALBERT
United States Attorney

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3 /s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

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5 Dated: June 2, 2023

6 /s/ Steve Crawford
Steve Crawford
Counsel for Defendant
Andre Grigsby

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11 **ORDER**

12 IT IS SO ORDERED that the status conference is continued from June 14, 2023, to **October 11,**
13 **2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to 18
14 U.S.C. § 3161(h)(7)(A), B(ii), (iv).

15 IT IS SO ORDERED.

16 Dated: **June 5, 2023**

17 /s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE